IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

Bail Appl..No. 5449 of 2007()

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CRMP.2972/2007 of DISTRICT COURT, PALAKKAD
CRIME NO.20/2007 OF PALAKKAD EXCISE RANGE

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PETITIONER/ACCUSED

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RADHAKRISHNAN, AGED 38 YEARS,
S/O THANKAPPAN, CHENKILI,
MUKAL HOUSE, VADAKKUDESOM, KATAMBANAD,
ADOOR TALUK, PATHANAMTHITTA DIST.

BY ADV. SRI.PRADEESH CHACKO

RESPONDENTS: COMPLAINANT

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1. CIRCLE INSPECTOR,
PALAKKAD EXCISE RANGE,
PALAKKAD.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J.**

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B.A.No.5449 of 2007

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Dated this the 10th day of September 2007

**O R D E R**

Application for regular bail. The petitioner was allegedly engaged in the activity of transporting 640 litres of spirit in a car when he was intercepted on 6/8/2007. The petitioner continues in custody from that date.

2. Heard. The learned Public Prosecutor opposes the application.

3. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

4. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the courts below for bail at later stage of the investigation, not at any rate, prior to 24/9/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

**(R.BASANT, JUDGE)**

jsr

**R.BASANT, J.**

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007